

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

Brian A. Rawers, SB# 123619  
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Attorneys for Defendant  
HYATT CORPORATION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GLENN A BRYAN,

Plaintiff,

v.

HYATT CORPORATION, a Delaware  
Corproation dba MANCHESTER GRAND  
HYATT, and JANE DOE (Hyatt Spa  
Massauese),

Defendants.

CASE NO. 08-cv-0182-IEG (BLM)

**DEFENDANT HYATT CORPORATION'S  
DISCLOSURE OF EXPERT WITNESSES  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 26(a)(2)**

Defendant, HYATT CORPORATION (hereinafter "Defendant"), by and through its attorneys of record, LEWIS BRISBOIS BISGAARD & SMITH LLP, hereby makes its Disclosure of Expert Witnesses and provides the following expert witness information pursuant to Federal Rule of Civil Procedure Rule 26(a)(2).

Defendant expressly reserves the right to name or call any additional expert it retains as the need arises during the course of discovery and investigation in preparation for trial in this action. Appropriate notice of such supplemental experts will be provided in accordance with Federal Rule of Civil Procedure Rule 26, and such witnesses will be made available for the purpose of being deposed prior to trial in this action and within the time frame set by the court for depositions of expert witnesses to testify on behalf of Defendant at trial for purposes of impeachment pursuant to Federal Rule of Civil Procedure Rule 26.

1 If the witnesses discussed or listed above are not available at the time of trial,  
 2 Defendant hereby advises Plaintiff that it will seek the introduction of competent former  
 3 testimony, including depositions of such witnesses in lieu of their testimony. If there is no  
 4 such former testimony, Defendant hereby reserves the right to designate substitute  
 5 expert witnesses.

#### 6 **DISCLOSURE OF EXPERT TESTIMONY**

7 1. **(a) Raymond M. Vance, M.D.**, 3737 Moraga Avenue, Suite A106, San  
 8 Diego, CA 92117; Telephone number (858) 270-4420.

9 **(b) Qualifications:** Dr. Raymond M. Vance is an orthopaedic surgeon,  
 10 licensed to practice medicine in the state of California. Attached as Exhibit  
 11 "A" to this disclosure is a list of all cases in which, during the last four years,  
 12 Dr. Vance has testified as an expert at trial or by deposition.

13 **(c) Reasonable Summary of Testimony:** Dr. Vance will testify as to  
 14 causation and damages. Dr. Vance will testify that he reviewed the medical  
 15 records of plaintiff, Glenna Bryan and will opine that as a review of these  
 16 records he believes that she suffered a cervicotrachezius sprain as a result  
 17 of the events alleged in the complaint. He will opine that the injury  
 18 sustained is a soft tissue injury which would have been expected to  
 19 spontaneously resolve even in the absence of any care or treatment. Dr.  
 20 Vance will opine that he does not believe that the patient required  
 21 electrodiagnostic studies or any MRI as a result of the occurrence. He will  
 22 opine that under no circumstances would it be his view that it was medically  
 23 probable that the disc abnormalities identified on the MRI studies could be  
 24 related to the event in question. His opinion is that it is overwhelmingly  
 25 more likely that the abnormalities identified in the MRI studies are of a  
 26 degenerative nature, are likely of long-standing consequence, and cannot  
 27 be specifically prescribed to the episode in question.  
 28

1 **(d) Normal Rates for Deposition and Trial Testimony:** Dr. Vance's rates  
2 for deposition and trial testimony are \$500.00 an hour.

3 **(e) Exhibits Used to Support Opinions:** The documents used to support  
4 Dr. Vance's opinion are all the medical records that have been provided by  
5 plaintiff to defendant, and which plaintiff, therefore, already has copies of.

6 **(f) Written Report:** The two written reports that Dr. Vance has made,  
7 based upon his review of plaintiff's medical records, are attached as  
8 Exhibits B and C.

9 2. **(a) Terrill "Skip" Kanester**, H.H.P. 4211 Sierra Marina Avenue, Carlsbad,  
10 California 92010; Telephon number (760) 720-1403.

11 **(b) Qualifications:** Mr. Kanester is a holistic health practitioner. He is on  
12 the faculty of the International Professional School of Bodywork and the  
13 Pacific College of Oriental Medicine. Mr. Kanester, during the last four  
14 years, has not testified as an expert at trial or by deposition.

15 **(c) Statement of Opinion:** Mr. Kanester will provide testimony regarding  
16 the standard of care in regard to massage therapy, and will also provide  
17 opinion testimony regarding causation and damages. He will provide  
18 testimony in regard to specific manual techniques used in massage where  
19 bruising is used to relieve chronic pain and blood stasis in superficial tissue  
20 can facilitate a client's healing process. He will opine that it is extremely  
21 unlikely that a massage therapist could cause an intravertibral disc to  
22 become herniated using deep tissue techniques. He will opine that even  
23 when a technique causes the client to become bruised, whether intentional  
24 bruising for therapeutic benefit or bruising as a result of carelessness, that  
25 it would still be highly unlikely that the bruise would cause a structure as  
26 deep in the body as a disc in between the spinal vertebra to become  
27 herniated.

28 ///

1 (d) **Normal Rates for Deposition and Trial Testimony:** Mr. Kanester's  
2 rates for deposition and trial testimony are \$150.00 per hour.

3 (e) **Exhibits Used to Support Opinion:** The documents and photographs  
4 used to support Mr. Kanester's opinions are all the medical records, or  
5 photographs, that have been provided by plaintiff to defendant, an which  
6 plaintiff, therefore, already has copies of.

7 (f) **Written Report:** The written report that Mr. Kanester has made is  
8 attached as Exhibit D.

9 Defendant, HYATT CORPORATION reserves the right to supplement this list of  
10 expert witnesses and to designate any necessary rebuttal witnesses to this designated  
11 by plaintiff. Defendant, HYATT CORPORATION reserves the right to replace these  
12 expert witnesses, with timely notice to the plaintiff, in the event that any of these expert  
13 witnesses are unavailable to appear during the time set for trial in this matter.

14  
15 DATED: July 30, 2008

LEWIS BRISBOIS BISGAARD & SMITH, LLP

16  
17 By Brian A. Rawers  
18 Brian A. Rawers  
19 Attorneys for Defendant  
20 HYATT CORPORATION  
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Exhibit “A”

FROM :

FAX NO. :

Jul. 30 2008 02:42PM P2

**RAYMOND VANCE, M.D.**  
**TESTIMONY/DEPOSITION CASE NAMES**  
**7/05/04 – 07/30/08**

Golden Eagle Insurance v. B&B Acoustics, Inc.  
Adame v. The Equitable Life Assurances Society of the United States  
Erik Avina v. Corey Dean, et al.  
Bakken v. Becraft, et al.  
Patrick Barnett v. Lloyd Pest Control  
Peter Bennett v. Dustin Grimme  
Bishop v. The Huntington Library  
Bodie, et al. v. McAllister, et al.  
Boone v. Nelson  
Bowman v. Lizon, et al.  
Boyd v. Stevens  
Bugner v. Northwestern Memorial Hospital  
Campos v. Case Manufacturing, Inc.  
Carrillo v. Zajac  
Nicolle Casimir-Lang v. Steven Kosros, M.D., et al.  
Ciampoli v. McDowell  
Clements vs. GMS Realty LLC  
Gary Conklin & Jace Withey-Allen v. Nettie Generas  
Coyne v. San Diego Transit  
Nancy L. Cress, et al. v. Welk Resort Group, Inc.  
Kenneth L. Crites, et al. vs. John N. Posch, M.D., et al.  
Crogan v. Adcox, et al.  
Joseph Crudo v. Khalil Kassim  
Maria Cruz v. Judy Hupf  
Cunningham v. Dr. Nixon, et al.  
Dominguez v. Gerken  
Steven Don v. Westrend Electric, Inc.  
Durkin v. City of San Diego, et al.  
Sara Eisen v. Edward L. Sclamberg, M.D., et al.  
Elsner v. Uveges  
Eltzroth vs. Devers  
Evans vs. Robertson, et al.  
Mary R. Faller and Patrick Faller v. La Mancha Resort Village, et al.  
Jeffrey M. Feist v. Waste Management, Inc., et al.  
Felkins, Corey vs. Dr. Craig Torosian  
Flores v. Wehmeyer  
Flores-Lara v. Eastridge, et al.

FROM :

FAX NO. :

Jul. 30 2008 02:43PM P3

Fonseca v. Telxaria  
Arturo Galceran v. RQ Construction, Inc.  
Maximiliano Garcia v. Roberto Perez, et al.  
Espinoza, et al. v. Viyolpam  
Gaylord v. United Airlines, Inc.  
Geist v. Crane Pro Services, Inc.  
Gil v. Commercial Scaffolding, Inc., et al.  
Giraudi v. Simmons  
Grano v. Booker  
Carmelina Greco v. Lend Lease Real Estate Investments, Inc., et al.  
Courtney E. Grenfell v. Justin K. Merlini, Doug Satterfield, Doug Satterfield dba Fluid Distro, et al.  
Jason Grijalva v. Jose R. Rangel  
Gross v. Sitapara  
Guerrero v. Remax Properties  
Gurrieri v. St. Luke's Medical Center and Dr. Bruce Mallin  
Hansen v. Ryan  
Hansen, et al. v. Kwik Tek, Inc., et al.  
Christopher Happel v. Joseph Anthony Aguilar  
Harrington vs. Anderson  
Hayes v. Rhodes, et al.  
Perrian Henry v. Charles McColl and Michelle Evans, et al.  
Henry v. Exchange  
Herb v. Wholesale Automotive Machine  
Rosa Hernandez and Jesse M. Hernandez, Individually v. Baptist Health Services  
Higby v. Rodriguez, et al.  
Horn v. Dreyer Medical Clinic, et al.  
Howard v. Bingham, et al.  
Hwang v. Bubba Cooling, et al.  
Robert Hyatt v. Kishwaukee Hospital, et al.  
Igleburger v. Perkins  
Ethel Ingalls; Ross Ingalls v. Richard and Lori Cox  
Isbell v. Keyes  
Alexander Ishraiteh v. Dapper Tire  
Izabal v. Kmart  
Aaron Michael John v. Kelly  
Clifford Johnson v. Fishing Company of Alaska  
Johnson, et al., v. Hooters of America, Inc., et al.  
Glenn Johnson, Deceased  
Kenneth Jones v. Thomas Huberty, M.D., et al.  
Keith v. SD Trolley, Inc.  
Josephine Kennedy v. Wal-Mart Stores, Inc.  
Patricia Kleven and David Kleven v. BKM Total Office of California, et al.  
Konold v. Paliotti  
Tadeusz Kramarz v. Mt. Sinai Hospital, et al.  
Kuderna v. Tustison, et al.  
Kuoha v. The Decurion Corporation, et al.

FROM :

FAX NO. :

Jul. 30 2008 02:43PM P4

LaForest v. Scotese  
Lane v. Wilson, etc.  
Patricia LaSalle v. Costco Wholesale Corporation  
Levy vs. Allstate  
Lewis v. Merrill  
Lindsay vs. Schwaia  
Livatt v. Olympia Fields Osteopathic, et al.  
Hector Lizarraga v. Noresco, LLC, et al.  
Lopez v. David Salazar Humberto, et al.  
Lukich v. Signs & Pinnick  
Robert Majors vs. Dave's Custom Boats  
Martinez v. State of California, et al.  
Weldon Maypole v. Rudolph & Sletten, Inc.  
McAfee v. Cushion Cut, Inc.  
Colleen McCoy v. Unigard Insurance Company  
McCoy vs. Taylor  
McDonald vs. 21<sup>st</sup> Century Insurance Company  
McGuire v. Pine Tree Lumber Co., Inc., et al.  
Roger McKenna v. Terry Bass, et al.  
McKnight vs. Pedraza  
Stephen McLaughlin v. Sara Libal, et al.  
Michael McKernon v. American Desk Manufacturing Company  
Gregory Meyers v. Kevin Deitel, M.D.  
Michelet v. Arthur  
Cherilyn Berquist Mills, et al. v. Henry's Marketplace, Inc., et al.  
Mohrlock, et al. v. MTDB, et al.  
Reynold Moliterno v. Hammer Down, Inc., et al.  
Mowrer v. Back, et al.  
Nakanishi, et al. v. Cazares, et al.  
Nami v. Huiras  
Anthony Narbona v. Richard Hernandez, et al.  
Maria C. Navarro and Hieymi Bautista vs. Mina Dewitt, et al.  
Neer v. Del Mar Inn  
Jake W. Nester v. Mahipah M. Shah, et al.  
Audrey Newman v. Ralphs Grocery Company  
Nguyen vs. Pilcher  
Susan Norman, Deceased  
Obermeyer v. Barnes  
Oli, Tess v. Contreras, Daniel  
Michael Orlik v. City of Carlsbad, et al.  
Martha Osuna v. George K. Reese, D.C.  
Pace v. Hernandez, et al.  
William S. Pemberton v. Drew M. Thurm, et al.  
Shawn Perkins, et al. V. City of Vista, et al.  
Plaskett v. Kloberdanz  
Richard Potter & Zenith Insurance v. Elite Show Services, Inc.



FROM :

FAX NO. :

Jul. 30 2008 02:43PM P5

Powell v. Field, et al.  
Pringle v. Sheinkop  
Boi Nai Quach vs. Cho, et al.  
Rasana v. San Diego Transit  
Debra Reposky v. Marine Terminals Corporation and Majestic Insurance Company  
Rhodes vs. 21<sup>st</sup> Century  
Rodríguez v. Cruz  
Marcello Saenz v. Juan Sanchez, et al.  
Sammartino v. Housewright, et al.  
Samuelson vs. Safely, et al.  
Sanchez v. Berson  
Sanders vs. Schwarz, et al.  
Sanderson v. Singhanet, et al.  
Consuelo Saunders v. Santos  
Christopher Saxton v. Bianca Diebler, et al.  
Schenk v. Rogers  
Samuel Sherman v. The City of Vista, et al.  
Sanchez v. Berson  
Shirley v. Davis  
Silby-Meadors v. Taitano  
Anitra Simpson v. Ford Motor Company, et al., U.S.D.C., S.D. CA  
Geraldo Soto v. Eric Barrera  
Stark, Altamirano vs. Gomez  
Stewart vs. McCray, Heckenkamp  
Stigler v. Weiss Memorial Hospital  
Strand vs. Carnavos  
Tarlini v. Meyer  
Daniel E. Thorsen, et al, v. Mocerri Food, et al.  
Alejandro Farias and Daniel Torres v. Waste Management, et al.  
Utzing v. Sun Valley Custom Flooring  
Valle v. Perez  
Clifford S. Vandeburg v. Resurrection Health Care, et al.  
Vorhis v. Lawrence, et al.  
Vuagniaux v. West Hampton Cove Condominiums  
Candace Wah and Wayne Wah v. Sharp Healthcare, et al.  
Walker, et al. v. Finch, et al.  
Walters v. The Vons Companies  
Welch v. Porter-Moore  
Charla Williams v. Jason McGregor  
John Winchester v. Megan Corcoran, et al.  
Robert Wolfe, et al. v. Steven V. Priano, M.D.  
Yearsley v. Follmer  
Selby, Ernestine v. SD Transit  
Rubio v. Parrot  
Merrylee Meek v. Andrew Martino, D.C. et al  
Christopher Saxton v. Bianca Diebler, et al.

FROM :

FAX NO. :

Jul. 30 2008 02:43PM P6

Pierson, Mary v. Tran  
Judickis v. Halley  
Moreno, Jose, et al (Osorio, Paulina, Reed, Gerardus) V. City of Imperial Beach  
Mary A. Kraus v. Midwest Orthopedics, et al.  
Morad Kittaheh vs. William Earman, D.O..  
Lopez v. Van Meter  
Montoro, Nathan V. Crab Addison Joe's Crab Shack  
Estline, Tsvi V. Da Rosa  
Chang, Johnny V. Firehammer  
Jacobs, Lee v. Ridge  
Palmer V. Mario Moreno Villegas, et al  
Moffat v. Tai  
Mickelson, Gale v. Mary Estevez  
Soltani V. Adesa Corp.  
Breckinridge, Wm V. Morales  
Angel Renteria V. RWM Communications, et al  
Knapp V. Whaley  
Elliott, Naomi V. Juarez  
McDonough, Robert V. Fischer  
Dunlap, Christopher V. Rafael Meza Zuniga, et al  
Salazar, Abel V. Timpson  
Ramirez, Georgina V. Kim - GIC866051  
Simenson, Margaret, et al V. Thomas Nelson, MD, et al (MN case)  
Genovese, Carmine  
Haick, Jennifer v. Wigderson, MD, et al  
Cafagnia, Brittney V. Lopez  
Mular, Geraldine V. Joseph Sheehan, Trinity Orthopedics a Corp. Rush Park Hosp., Inc.  
Briskin, Galina VS. Blue  
Stampul, Anthony V. HPS Mechanical, Inc., Kevin DiSabatino, et al  
Ortega, Tatiana V. M. Richard Goldberg, MD., et al  
Brindley, Robin V. Mercury  
Crittenden, Leslee V. Smith, et al  
DiMatteo, Rebecca V. Maynard, Mark  
Young, Patty vs. Forchette, Anthony & Helen  
Lane, Grace vs 1422 Hilltop Apartments, et al  
Jones, Melanie, V. Ibanez, et al  
Lagace, Barbara VS. Brian C. deBeaubien, MD, Kevin Spears, Rph  
Pack, Kevin V. San Diego Country Estates, et al  
Meyer-Baston, Koleta V. Grable  
Duganne, David V. Stark

**Exhibit “B”**

**RICHARD GREENFIELD, M.D.**

A MEDICAL CORPORATION

**RAYMOND M. VANCE, M.D.**

A MEDICAL CORPORATION

3737 MORAGA AVENUE, SUITE A106

SAN DIEGO, CALIFORNIA 92117

TELEPHONE (858) 270-4420

FAX (858) 270-8199

ORTHOPEDIC SURGERY

April 30, 2008

Brian Rawers  
Attorney at Law  
550 West C St. #800  
San Diego, CA 92101

RE: BRYAN, Glenna  
DOI: 5/9/06

Dear Attorney Rawers:

I am in receipt of your communication of 4/23/08. I have reviewed the enclosed records relative to Glenna Bryan. These include records from Chiropractic Works in Oak Park, Michigan. These records reflect treatment received at that facility after the event in question in which the patient complained of symptoms in the left of her neck, her shoulder, her back, her leg and her foot. These records suggest the patient will be referred to a neurologist for electrical studies. These records also reflect pre accident treatment at this facility over the course of several years for various musculoskeletal complaints. The records identify the patient to have been born in 1964. The records suggest that the patient had retained an attorney by the time she presented to the doctor after the occurrence.

The report of neurologist Ramesh Chheda is included. He performs electrodiagnostic studies of the upper extremities which were within normal limits. He concluded that the patient had a post traumatic myopathic process. He did not believe there was any involvement of the brachial plexus or any significant brachial neuritis. Conservative measures were suggested. An MRI of the left shoulder was obtained, ordered by Dr. Mukeku on 12/19/06. The study was felt to be unremarkable. An MRI of the cervical spine and an MRI of the thoracic spine were done on 12/18/06. Bulging of a disc at the level of C5-6 and at the levels of T7-8 and T8-9 is described. The report of chiropractor Mukeku dated 7/21/07 is included. Numerous progress notes of the chiropractor

Re: Glenna Bryan  
April 30, 2008

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are attached. High quality laser photocopies of photographs of the patient after the event in question are included which appear to document ecchymosis in the region of the upper back and trapezius area on the left side.

**COMMENT:** A review of these record would suggest that the patient suffered a cervicotrapienius sprain as a result of the event.

The injury sustained is a soft tissue injury which would have been expected to spontaneously resolve even in the absence of care.

I do not believe the patient required electrodiagnostic studies or any MRI as a result of the occurrence. To the extent that chiropractic treatment went on for more than eight weeks or incurred general total cost in excess of \$1,500, it will be impossible to document the necessity of such treatment.

Under no circumstances would I view it medically probable that the disc abnormalities identified on the MRI studies could be related to the event in question. It is overwhelmingly more likely that these abnormalities are of degenerative nature, are likely of longstanding, and cannot specifically be ascribed to the episode in question.

Should further questions remain feel free to contact me at any time.

Sincerely,



Raymond M. Vance, M.D.

RMV:bc

Exhibit “C”

**RICHARD GREENFIELD, M.D.**

A MEDICAL CORPORATION

**RAYMOND M. VANCE, M.D.**

A MEDICAL CORPORATION

3737 MORAGA AVENUE, SUITE A106

SAN DIEGO, CALIFORNIA 92117

TELEPHONE (858) 270-4420

FAX (858) 270-8199

ORTHOPEDIC SURGERY

June 27, 2008

Brian Rawers  
Attorney at Law  
550 West C St. #800  
San Diego, CA 92101

RE: BRYAN, Glenna  
DOI: 5/9/06

Dear Attorney Rawers:

I am in receipt of your communication of 6/10/08 and have reviewed the enclosed records. These records suggest that the patient has received treatment at the Michigan Rehab & Pain Management Facility in Livonia, Michigan. Physical therapy was provided at that facility at the direction of Dr. Liu. Treatment was provided in 2006 for complaints of pain and numbness in the left shoulder and arms, headaches and dizziness. Ongoing treatment is documented through 4/30/07. A prescription for treatment was apparently again provided in May of 2008.

A review of these documents leads to no changes in opinions previously provided to you relative to this matter.

Should further questions remain, feel free to contact me at any time.

Sincerely,



Raymond M. Vance, M.D.

RMV:bc

Exhibit “D”



May 12, 2008

Brian A. Rawers  
Lewis Brisbois Bisgaard & Smith  
550 West "C" Street, Suite 800  
San Diego, CA 92101

Re: Bryan v. Hyatt Corporation, et al.

Dear Mr. Rawers,

It was a pleasure speaking with you on Tuesday, April 29, 2008. I received your package and have reviewed the photographs and medical records in it. As I understand it, you believe Ms. Bryan is alleging the therapist that gave her a deep tissue massage on May 9, 2006 caused her to have bulging/herniated discs at C 5-6, T 7-8 and T 8-9.

According to the chiropractic record dated May 12, 2006, Ms. Bryan's presenting problems were "left neck, shoulder, back & leg foot pain". Another earlier exam (peripheral sensitivity test), dated August 5, 2005, from the same clinic seems to show that there was an issue with her low back and that her chief complaint was her neck and feet. While I am not a chiropractor and am not familiar with this particular test, I can tell you that, from my experience, it is not uncommon at all for pain and hypertonic muscles in the lumbar spine to also be reflected in the thoracic and cervical spine. In other words, the body tries to compensate for the imbalance in the low back. Nerve impingement in the lumbar spine can also cause pain that radiates down the leg and into the foot. While I can't say that this is what happened in this case, I do find it interesting that there seems to be a pre-existing condition.

The neurology report by Ramesh Chheda M.D. dated May 24, 2006 says that Ms. Bryan "has been complaining of the neck and shoulder pain on the left side. Apparently this suggests a post-traumatic inflammatory myopathic changes in the shoulder as well as the neck area muscles. No evidence of radiculopathy." Radiculopathy is a medical term used to describe pain (and other symptoms like numbness and weakness) that is caused by a problem with the nerve roots along the spine. Radiculopathy is often caused by direct pressure from a herniated disc that creates irritation and inflammation (pain) of the nerve root. Again, I am not a physician, but this report sounds to me like pain from hypertonic muscles, not pain caused by a herniated disc impinging a nerve root.

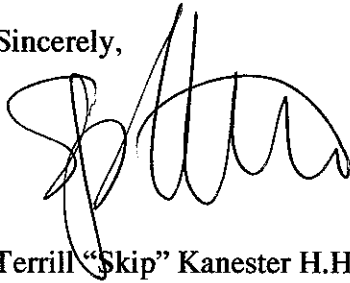
In looking at the copies of the two pictures taken, I can definitely see a bruise on top of the shoulder and over the left scapular area. Granted these are copies of pictures but it appears to be a bruise specifically on the trapezius muscle over the medial border of the scapula. I see no evidence, in these photographs, of bruising on the neck or over the nerve roots along the thoracic spine that would cause radiculopathy. The bruise appears to be well away from the spine actually.

As for the bruise itself, of course I cannot specifically tell you where that came from. I can tell you that, while not "the norm", it is certainly not unheard of for bruising to occur because of deep tissue techniques used in therapeutic bodywork. Unfortunately, there is also the possibility of bruising during a massage because of an overzealous or careless therapist using too much pressure. Fortunately, that is also not the norm. There are also specific manual techniques used in traditional Asian medicine where a very specific type of bruising is the intended outcome of the treatment. According to this traditional system, they are used to relieve chronic pain and blood stasis in the superficial tissue and facilitate the client's healing process.

In my professional opinion it is extremely, and I stress extremely, unlikely that a massage therapist could cause an intervertebral disc to become herniated using deep tissue techniques. Even if those techniques caused the client to bruise, whether intentional bruising for therapeutic benefit or bruising as a result of carelessness, it would still be highly unlikely that they could cause a structure as deep in the body as a disc in between the spinal vertebrae to become herniated.

Please feel free to contact me if I can offer any clarity to any of the above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Skip Kanester', with a stylized, flowing script.

Terrill "Skip" Kanester H.H.P.

Holistic Health Practitioner  
Faculty-  
International Professional School of Bodywork  
Pacific College of Oriental Medicine

4211 Sierra Morena Ave.  
Carlsbad, CA 92010  
(760) 720-1403  
Email: skip@kanester.com

**PROOF OF SERVICE**

Bryan v. Hyatt Corp - File No. 08-cv-0182  
United States District Court, Southern District of California

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and not a party to the action. My business address is . I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On July 30, 2008, I served the following document(s): **DEFENDANT HYATT CORPORATION'S EXPERT DISCLOSURE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(2)**

I served the documents on all parties as listed on the CM/ECF Court filing system.

The documents were served by the following means:

- ☐ (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 30, 2008, at San Diego, California.

  
JONNA WILKINSON